

1 ROB BONTA, State Bar No. 202668
Attorney General of California
2 MICHAEL L. NEWMAN, State Bar No. 222993
Senior Assistant Attorney General
3 WILLIAM H. DOWNER, State Bar No. 257644
Supervising Deputy Attorney General
4 *CARLY J. MUNSON, State Bar No. 254598
JENNIFER M. SOLIMAN, State Bar No. 332519
5 Deputy Attorneys General
1300 I Street
6 Sacramento, CA 95814
Telephone: (916) 210-7845
7 Fax: (916) 731-2129
E-mail: Carly.Munson@doj.ca.gov
8 *Attorneys for Defendant Kevin Kish, Director of*
California Civil Rights Department
9
Timothy C. Travelstead, Esq. (SBN 215260)
10 *t.travelstead@narayantravelstead.com*
Scott C. Ku, Esq. (SBN 314970)
11 *s.ku@narayantravelstead.com*
NARAYAN TRAVELSTEAD P.C.
12 7901 Stoneridge Drive, Suite 230
Pleasanton, CA 94588
13 Telephone: (650) 403-0150
Attorneys for Plaintiffs
14

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17

18 **HINDU AMERICAN FOUNDATION, INC.,**
19 **a Florida Not-For-Profit Corporation;**
20 **SAMIR KALRA; MIHIR MEGHANI;**
21 **SANGEETHA SHANKAR; DILIP AMIN,**
22 **SUNDAR IYER, RAMANA KOMPELLA**
as individuals; and DOE PLAINTIFFS ONE
TO THREE,

Plaintiffs,

23 v.
24

25 **KEVIN KISH, an individual, in his official**
26 **capacity as Director of the California Civil**
27 **Rights Department; and Does 1-50,**
28 **inclusive,**

Defendants.

Case No. 2:22-CV-01656-DAD-JDP

**STIPULATION AND REQUEST TO
AMEND BRIEFING SCHEDULE FOR
DEFENDANT'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT AND
PLAINTIFFS' MOTION TO PROCEED
UNDER PSEUDONYMS**

Hearing Date: August 20, 2024

Time: 1:30 p.m.

Comp. filed: September 20, 2022

First Am. Comp. filed: September 21, 2023

Judge: Hon. Dale A. Drozd

1 Plaintiffs Hindu American Foundation, Inc. (HAF), Samir Kalra, Mihir Meghani,
2 Sangeetha Shankar, Dilip Amin, Sundar Iyer, Ramana Kompella, and Doe Plaintiffs One to Three
3 (collectively “Plaintiffs”) and Defendant Kevin Kish, in his official capacity as the Director of the
4 California Civil Rights Department (CRD) (together, the “Parties”), through their undersigned
5 counsel and pursuant to Federal Rule of Civil Procedure 6 and Local Rule 144, hereby stipulate to
6 and jointly request an order amending the briefing schedule for Defendant’s pending Motion to
7 Dismiss Plaintiff’s First Amended Complaint pursuant to the *Younger* abstention doctrine and
8 Federal Rule of Civil Procedure Rule 12(b) and Plaintiffs’ Motion to Proceed Under Pseudonyms.

9 In support of this Stipulation and Request to Amend Briefing Schedule for Defendant’s
10 Motion to Dismiss First Amended Complaint and Plaintiffs’ Motion to Proceed Under
11 Pseudonyms, the Parties jointly state as follows:

- 12 1. Plaintiff’s Complaint was filed on September 20, 2022 (ECF No. 1), and served on
13 Director Kish on November 17, 2022 (ECF No. 4).
- 14 2. On February 6, 2023, Defendant filed his timely Motion to Dismiss Plaintiff’s
15 Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) and
16 supporting documents (ECF Nos. 8, 10). After considering the Parties’ briefing,
17 the Court issued an order on August 31, 2023, that granted Director Kish’s Motion
18 to Dismiss and provided leave for HAF to file an amended complaint within 21
19 days of entry of the order. (ECF No. 20).
- 20 3. On September 21, 2023, Plaintiff HAF filed its timely First Amended Complaint.
21 (ECF No. 21). Plaintiffs’ First Amended Complaint includes two new claims and
22 nine new plaintiffs, including three “Doe” Plaintiffs who seek to proceed under
23 pseudonyms and whose identities have not been disclosed to Defendant Kish or his
24 counsel. (ECF No. 21; *see* ECF No. 24).
- 25 4. On October 6, 2023, Plaintiffs filed their Motion to Proceed Under Pseudonyms
26 for the three unnamed Doe Plaintiffs. (ECF No. 24).
- 27 5. Based on good cause shown, Defendant sought and was granted four stipulated
28 and unopposed extensions of time to respond to Plaintiffs’ First Amended

Complaint and Motion to Proceed to Under Pseudonyms, for a total extension of 75, 61, 90, and 60 days, respectively. (ECF Nos. 22-23, 25-32).

6. On May 20, 2024, Defendant filed his Motion to Dismiss Plaintiffs' First Amended Complaint and Opposition to Plaintiffs' Motion to Proceed Under Pseudonyms. (ECF Nos. 41-42 and 40, respectively).

7. The hearing on Defendant's Motion to Dismiss First Amended Complaint is currently set for August 20, 2024.

8. Plaintiffs' Opposition to Defendant's Motion to Dismiss their First Amended Complaint is currently due June 3, 2024. And their Reply in support of their Motion to Proceed Under Pseudonyms is currently due May 30, 2024.

9. In light of the number and complexity of the issues presented in this matter, the Parties require additional time to file their respective opposition and reply briefs pertaining to Defendant's Motion to Dismiss First Amended Complaint and Plaintiffs' Motion to Proceed Under Pseudonyms. The Parties have not previously sought or obtained any extensions of time to file these briefs.

10. The Parties have conferred and hereby agree and request that the Court extend Plaintiffs' time to oppose to Defendant's Motion to Dismiss First Amended Complaint by 30 days, and Defendant's time to reply to Plaintiffs' opposition by 22 days. Plaintiffs will file their opposition on or before July 3, 2024. Defendant will file his reply on or before August 6, 2024.

11. The Parties similarly request that Plaintiffs' time to reply to Defendant's Opposition to Plaintiffs' Motion to Proceed Under Pseudonyms be extended by 34 days. Plaintiffs will file their reply on or before July 3, 2024.

Based on the foregoing, the Parties respectfully request that this Court enter an order as follows:

- (i) Amending the briefing schedule for Defendant's Motion to Dismiss First Amended Complaint (ECF No. 41), and for Plaintiffs' Motion to Proceed Under Pseudonyms (ECF No. 24) as follows:

- 1 a. Plaintiffs shall file their Opposition to Defendant's Motion to Dismiss First
2 Amended Complaint on or before July 3, 2024;
3 b. Plaintiffs shall file their Reply in support of their Motion to Proceed Under
4 Pseudonyms on or before July 3, 2024.
5 c. Defendant shall file his Reply in support of his Motion to Dismiss First
6 Amended Complaint on or before August 6, 2024.
7 (ii) The hearing shall remain set for August 20, 2024.
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9 Dated: May 24, 2024

Respectfully submitted,

10 ROB BONTA
11 Attorney General of California
12 WILLIAM H. DOWNER
Supervising Deputy Attorney General

13 /s/ Carly J. Munson (as auth. on 5/23/2024)
14 CARLY J. MUNSON
15 Deputy Attorney General
*Attorneys for Kevin Kish, in his official capacity
as Director of the Civil Rights Department*

16 NARAYAN TRAVELSTEAD, P.C.

17 /s/ Timothy C. Travelstead
18 Timothy C. Travelstead, Esq.
19 Scott C. Ku, Esq.
Attorneys for Plaintiffs
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21
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25
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27
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